

In addition, to the above retainer and hourly rate, bonuses will be paid upon receipt of invoice for the following:

- \$200 for pictures of Ben's truck and Alyssa's car together at the apartment between 10pm and 8am
- \$500 for video/picture of Ben coming/going into the apartment, proving he was there between 10pm-8am.
- \$2,000 for picture/video of Alyssa/Ben drinking and driving with Willow or doing drugs around Willow
- \$1,000 for pictures of any child endangerment with Willow with any family member.
- \$100 for men coming and going into the apartment

k. On or about September 2, 2020, Elkins texted Beard a photograph of

i. ~~On or about August 11, 2020, Elkins and Beard hired a private investigator~~

~~to track and monitor A.A.B. and B.F.~~

**Blacknall's bonus scale.  
Intent?**

description and license plate number as the automobile from which A.A.B. was hiding and selling drugs.

m. On or about September 13, 2020, Elkins and Beard purchased a silver

Indictment—Page 3

Case 1:23-mj-03315-EIS Document 1 Entered on FLSD Docket 07/07/2023 Page 4 of 10

Case 3:23-cr-00247-B \*SEALED\* Document 1 \*SEALED\* Filed 06/21/23 Page 3 of 8 PageID 3

f. On or about July 9, 2020, Beard purchased a GPS tracking device that was placed on B.D.'s vehicle.

g. On or about July 29, 2020, Elkins telephoned the police using a fake name and falsely reported that she observed A.A.B.'s automobile driving dangerously on a public highway, and Elkins provided the police with A.A.B.'s automobile description and license plate number.

h. On or about August 6, 2020, Elkins telephoned the police and falsely reported that A.A.B.'s mother, T.C., had assaulted her with A.A.B. present.

i. On or about August 11, 2020, Elkins and Beard hired a private investigator to track and monitor A.A.B. and B.D.

j. On or about September 2, 2020, Elkins and Beard planted illegal drugs and a pistol, with an obliterated serial number, in the trunk of A.A.B.'s automobile to have A.A.B. arrested.

k. On or about September 2, 2020, Elkins texted Beard a photograph of A.A.B.'s automobile's license plate for Beard to provide the license plate number to the police in a false report that A.A.B. was selling drugs from the automobile.

l. On or about September 2, 2020, Beard telephoned the police using a fake name and falsely reported that A.A.B. was selling drugs to Black men at the apartment complex where A.A.B. worked, providing the police with A.A.B.'s automobile description and license plate number as the automobile from which A.A.B. was hiding and selling drugs.

m. On or about September 13, 2020, Elkins and Beard purchased a silver

Indictment—Page 3



DEFENDANT'S EXHIBIT  
DX 1  
USA v. Elkins, 2:23-cr-2678



Count Two  
Stalking—Resulting in Death, or Life-Threatening Bodily Injury, or Serious Bodily  
Injury, or Using a Dangerous Weapon  
(Violation of 18 U.S.C. § 2261A(2))

Title 18, United States Code, Section 2261A makes it a crime to use the mail or any facility  
of interstate commerce, including interactive computer services or electronic communication  
services or systems, with the intent to stalk another person. For you to find the defendant guilty of

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pla

(1)  
**Fourth:** That the defendant's conduct resulted in the death of the victim, or the defendant's  
(2) conduct resulted in life threatening bodily injury to the victim, or the defendant's conduct resulted (3)  
(4)  
in serious bodily injury to the victim, or the defendant used a dangerous weapon during the offense.

Third: That through the use of the mail, computer interactive service, electronic  
communication service or system or other facility of interstate or foreign commerce, the defendant  
engaged in a course of conduct that

- (1) placed that other person in reasonable fear of the death or serious bodily injury to that person; or
- (2) caused, attempted to cause or would be reasonably expected to cause substantial emotional distress to that person; and

**Fourth:** That the defendant's conduct resulted in the death of the victim, or the defendant's  
conduct resulted in life threatening bodily injury to the victim, or the defendant's conduct resulted  
in serious bodily injury to the victim, or the defendant used a dangerous weapon during the offense.

**—OR—**  
**(5) Just “stalking”**  
**under the first**  
**three elements:**

**First:** That the  
communication servic  
facility of interstate or

**Second:** That tl  
place under surveillan

**Third:** That t

Answer this special interrogatory with regard to the defendant only if you have found the defendant guilty of that offense. Do not answer the special interrogatory if you have found the defendant not guilty of the offense. Do not answer this special interrogatory until after you have reached your verdict as to the offense.

To find that a particular offense resulted in the death of Alyssa Burkett, you must all be satisfied that the Government proved this beyond a reasonable doubt. A person's death "results"

from an offense only if that offense caused the particular offense charged in Count Two. To answer this special interrogatory, you must answer two questions. First, would Alyssa Burkett's death have occurred in the absence of the particular offense? Stated differently, you should decide whether Alyssa Burkett would have died on October 2, 2020, but for the defendant's particular offense of Count Two. Second, was Alyssa Burkett's death the result of the particular offense in a real and meaningful way? This includes your consideration of whether her death was a reasonably foreseeable result of the particular offense and whether her death could be expected to follow as a natural consequence of the particular offense.

If you answer "No" to the interrogatory, the following special interrogatory will read:

Do you unanimously find that the particular offense resulted in the life-threatening bodily injury of Alyssa Burkett?

\_\_\_\_\_ No  
\_\_\_\_\_ Yes

To find that a particular offense resulted in the life-threatening bodily injury of Alyssa Burkett, you must all be satisfied that the Government proved this beyond a reasonable doubt. A person's death "results" from an offense only if that offense caused the particular offense charged in Count Two.

## Jury Instructions, Page 13.

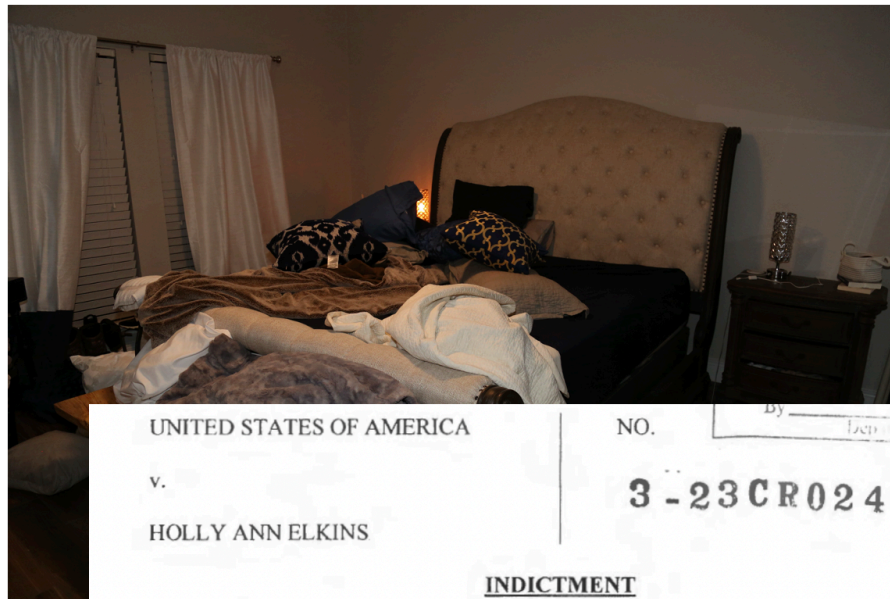
To find that a particular offense resulted in the death of Alyssa Burkett, you must all be satisfied that the Government proved this beyond a reasonable doubt. A person's death "results" from an offense only if that offense caused, or brought about, the death. In determining whether the particular offense charged in Count Two caused Alyssa Burkett's death, you must affirmatively answer two questions. First, would Alyssa Burkett's death have occurred in the absence of the particular offense? Stated differently, you should decide whether Alyssa Burkett would have died on October 2, 2020, but for the defendant's particular offense of Count Two. Second, was Alyssa Burkett's death the result of the particular offense in a real and meaningful way? This includes your consideration of whether her death was a reasonably foreseeable result of the particular offense and whether her death could be expected to follow as a natural consequence of the particular offense.

## Reasonable Doubt #1: Unfair Arguments





## Reasonable Doubt #1: Unfair Arguments



UNITED STATES OF AMERICA

v.

HOLLY ANN ELKINS

NO.

By

FILED

3 - 23 CR 0247 - B

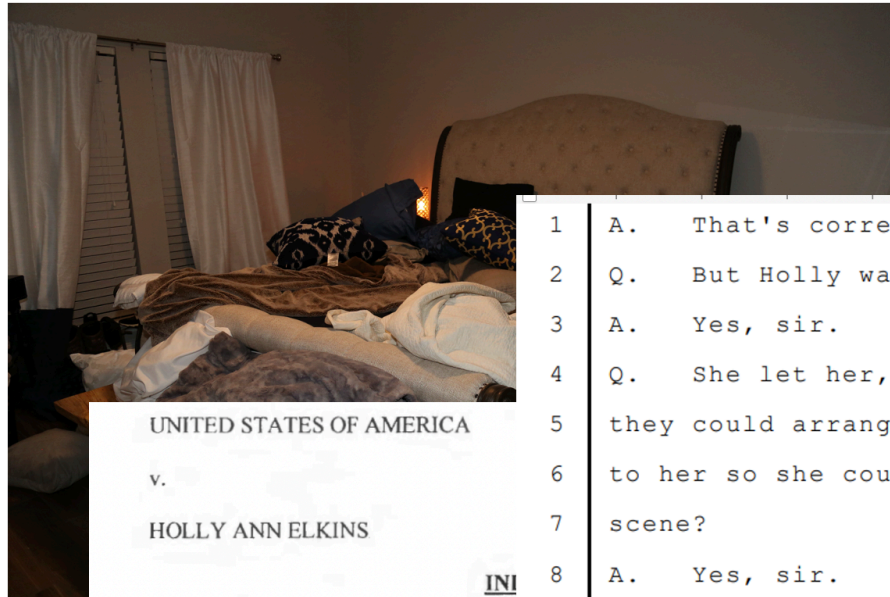
### INDICTMENT

The Grand Jury charges:

Count One  
Conspiracy to Stalk  
[Violation of 18 U.S.C. § 371]

Beginning in or about April 2020, and continuing through on or about October 2, 2020, in the Dallas Division of the Northern District of Texas, and elsewhere, defendant

## Reasonable Doubt #1: Unfair Arguments



### Detective Burnham

UNITED STATES OF AMERICA

v.

HOLLY ANN ELKINS

The Grand Jury charges:

INI

(  
Cons  
[Violation

Beginning in or about April 2020

2020, in the Dallas Division of the North

1 A. That's correct.  
2 Q. But Holly was cooperative with you, wasn't she?  
3 A. Yes, sir.  
4 Q. She let her, as you said, use her phone so that  
5 they could arrange an Uber or you provided her phone  
6 to her so she could arrange an Uber and leave the  
7 scene?  
8 A. Yes, sir.  
9 Q. And she let Officer Meyer search her purse  
10 before he provided it back to her?  
11 A. Yes, sir.  
12 Q. She had an Apple MacBook in the truck.  
13 Did she provide that?  
14 A. Yes.  
15 Q. And she provided you consent to search that  
16 laptop?  
17 A. That's correct.

## Reasonable Doubt #1: Unfair Arguments

### Government, During Its Opening:

However, the relationship was not toxic, and there was some -- there was some cooperation

between the two until one person got involved, and that person is none other than the defendant in this case, Holly Elkins.

Now let's talk a little bit about the stalking campaign that you're going to hear about. In June of 2020, Alyssa's relationship with Andrew Beard became toxic, and that's going to be thanks to Holly Elkins.



## Reasonable Doubt #1: Unfair Arguments

### Prosecutor asks Agent Hanson (July 2023)

Q. okay. And what do you take "railroad" to mean?

A. To . . .

Q. Frame?

A. I don't know that I would have used that word.

### Prosecutor asks Agent Hanson (This Trial)

Q. "Railroad," what does that mean?

A. Basically to --

Q. Frame somebody.

A. Yes.

## Reasonable Doubt #2: Beard's Murder Clothes

### Mr. Ikeler

Q. (By Mr. Clark) I think I just heard you tell Detective Bonner you're half blind anyway.

A. I can't see out of this eye.

(Video playing.)

A. Like I said before, my daughter is the same age. And I'm a protector where I'm at. And all I could see was my daughter.

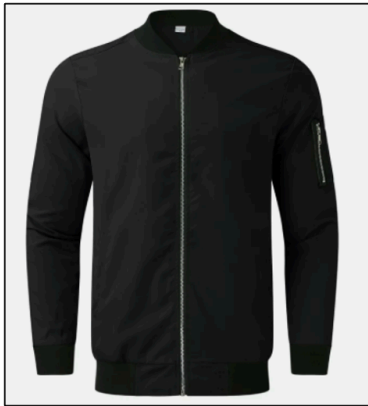
THE COURT: You what?

THE WITNESS: All could I see was my daughter laying there.

## Reasonable Doubt #2: Beard's Murder Clothes

*What they should have done: "Mr. Ikeler, can you identify which of these clothing items the man was wearing?"*

(1)



(2)



(3)



(4)



(5)



(6)





## Reasonable Doubt #2: Beard's Murder Clothes

*What they did: "Mr. Ikeler, do these clothes (from Dick's Sporting Goods) look like the clothes the man was wearing?"*



## Reasonable Doubt #3: Beard's Drug & Gun Plant

**CASH**

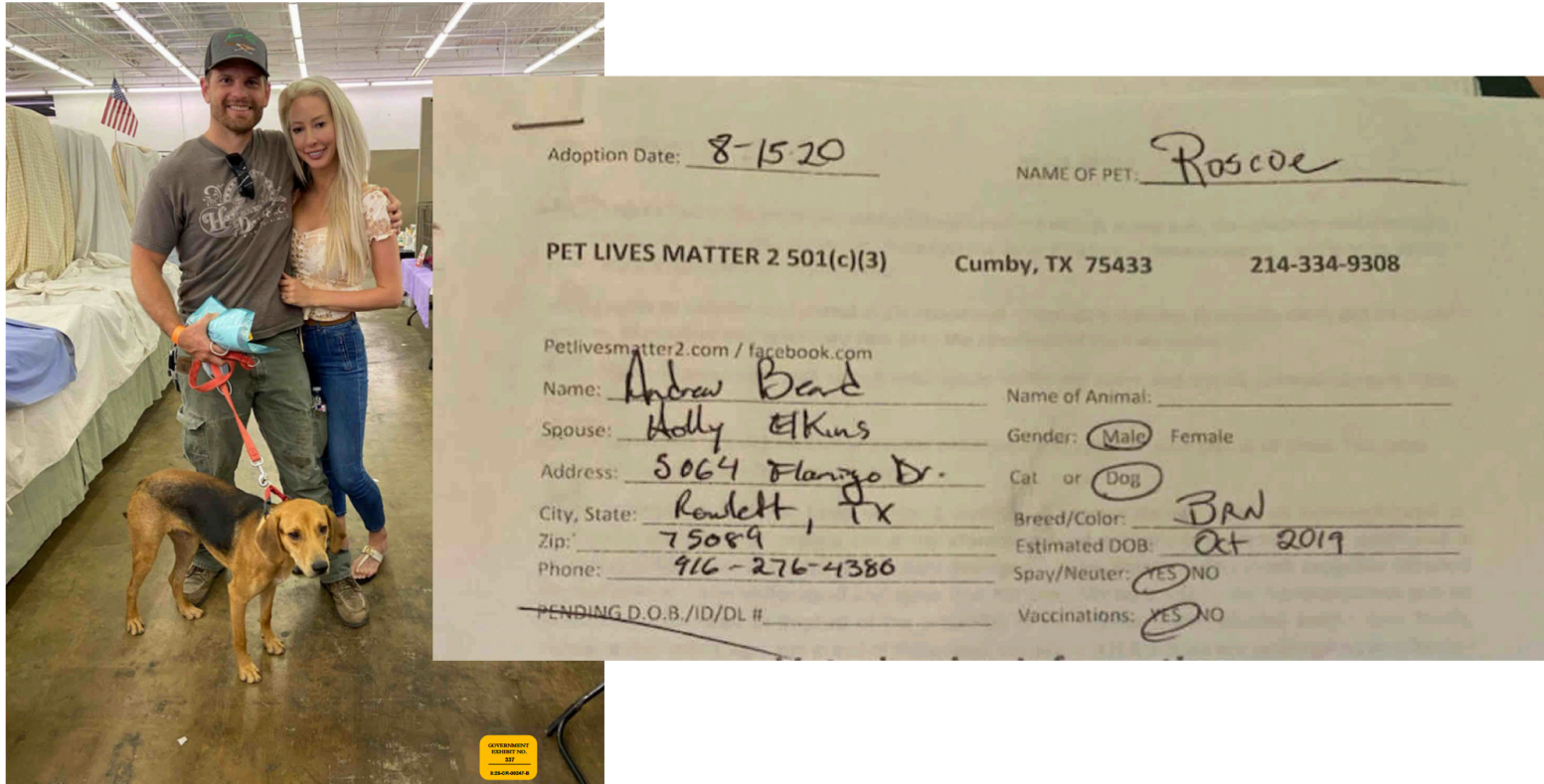


**"GUN SHOW LOOPHOLE"**



**HOLLY = SMART CRIMINAL**

## Reasonable Doubt #3: Beard's Drug & Gun Plant



After Mr. Green's cross examination of Agent Hanson,

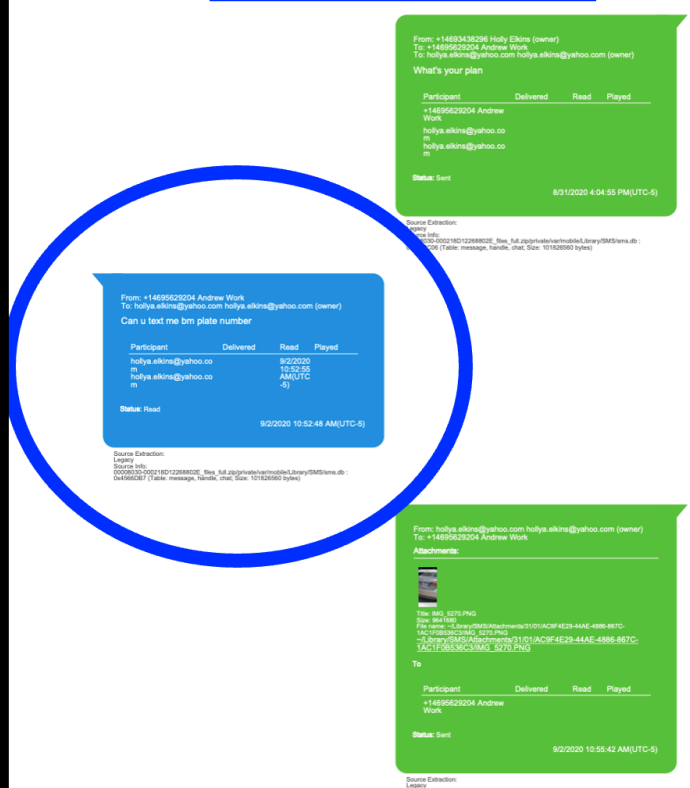
**HOLLY = DUMB CRIMINAL**



## Reasonable Doubt #3: Beard's Drug & Gun Plant

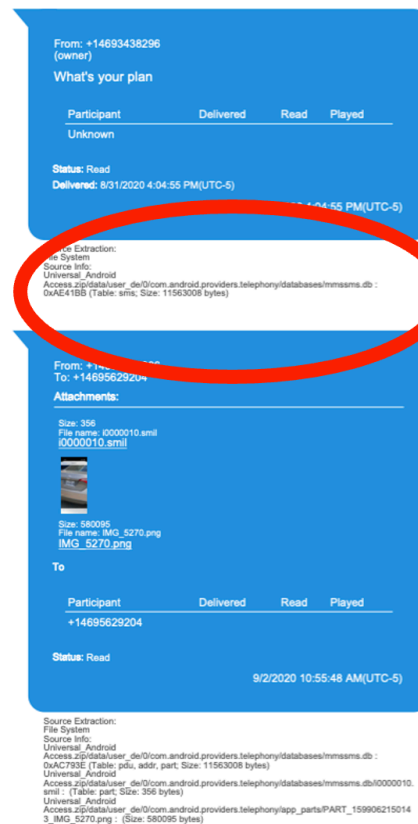
*Beard: "Can you text me BM plate number?"*

### Holly's Phone



**NOT DELETED**

### Beard's Phone



**DELETED**

## Reasonable Doubt #3: Beard's Drug & Gun Plant





## Pursuant to Protective Order

DEFENDANT'S EXHIBIT  
DX 396  
3:23-CR-00247B

201203248567465	7121076395440	2015-01-18	5092	3418 MCKINNEY AVE	DALLAS TX	75204	CANADA DRY 16 920Z	3.49	1	43.24	Debit Card	9999
201203248567465	7121076395440	2015-01-18	5092	3418 MCKINNEY AVE	DALLAS TX	75204	gA-D/STR 136L345	7.99	1	43.24	Debit Card	9999
201203248567465	7121076395440	2015-01-18	5092	3418 MCKINNEY AVE	DALLAS TX	75204	gA-D/STR 136L345	7.99	1	43.24	Debit Card	9999
201203248567465	7121076395440	2015-01-18	5092	3418 MCKINNEY AVE	DALLAS TX	75204	TCH&GO WALL CHRGH 10	1	43.24	Debit Card	9999	
201203248567465	7121076395440	2015-01-18	5092	3418 MCKINNEY AVE	DALLAS TX	75204	T&G SYNC&CHRG CBL 5	1	43.24	Debit Card	9999	
201203248567465	7121076395440	2015-01-18	5092	3418 MCKINNEY AVE	DALLAS TX	75204	REUSABLE SHOPING BR	0.99	1	43.24	Debit Card	9999
201203248567465	7121076395440	2015-01-18	5092	3418 MCKINNEY AVE	DALLAS TX	75204	REUSABLE SHOPING BR	0.99	1	43.24	Debit Card	9999
201203248567465	7121076395440	2015-01-28	5092	3418 MCKINNEY AVE	DALLAS TX	75204	FRUCTIS SERUM S 12	6.49	1	78.5	Credit Card	9999

DEFENDANT'S

**DEFENDANT'S EXHIBIT**  
**DX 221**  
USA v. Elkins, 3:23-CR-247B

## Reasonable Doubt #5: Murder Vehicle





## Reasonable Doubt #6: Lizette Invited to Visit

From: +19162238855 Lizette Bowers  
 To: beard.andrew.c@gmail.com Andrew Beard (owner)  
 To: +14693438296 Holly Ann Elkins  
 To: beard.andrew.c@gmail.com Andrew Beard (owner)

**LIZETTE**

Nooooo pressure....

But I'm thinking of coming to see you Sept 30 - Oct 6th

Does that work in your world? You will have Willow that weekend, right?

Participant	Delivered	Read	Played
beard.andrew.c@gmail.com Andrew Beard	9/18/2020 10:13:47 PM(UTC-5)	9/18/2020 10:13:47 PM(UTC-5)	

+14693438296 Holly Ann Elkins  
 beard.andrew.c@gmail.com Andrew Beard

Status: Read

Source Extraction:

From: +14693438296 Holly Ann Elkins  
 To: beard.andrew.c@gmail.com Andrew Beard (owner)  
 To: +19162238855 Lizette Bowers  
 To: beard.andrew.c@gmail.com Andrew Beard (owner)

**HOLLY**

No pressure but we would be sad if you didn't :) buttttt we are going on a little Mexico trip end of month and get back Thursday the 1st and have willow yes that weekend so by all means you could come we could just open the house up and be back the next day or weekend of the 15th we have her all weekend

Participant	Delivered	Read	Played
beard.andrew.c@gmail.com Andrew Beard	9/18/2020 10:13:47 PM(UTC-5)	9/18/2020 10:13:47 PM(UTC-5)	

+19162238855 Lizette Bowers  
 beard.andrew.c@gmail.com Andrew Beard

Status: Read

9/18/2020 9:29:17 PM(UTC-5)